

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAURICE ANTHONY BROWN,

Petitioner,

v.

KING COUNTY SUPERIOR COURT,

Respondent.

CASE NO. 2:22-CV-00761-LK

ORDER OF DISMISSAL

This matter comes before the Court on Petitioner Maurice Anthony Brown's amended petition for habeas corpus under 28 U.S.C. § 2254. Dkt. No. 27. Some background illustrates why the Court now dismisses the matter.


In July 2022, United States Magistrate Judge David W. Christel ordered Mr. Brown to file an amended petition to name the correct respondent. Dkt. No. 8 at 2 (explaining that "[u]nder Rule 2(a) of the Rules Governing Section 2254 Cases, 'the petition must name as respondent the *state officer who has custody*'" over the person (emphasis original)). Mr. Brown did not file a corrected petition despite multiple extensions of the deadline to do so. Dkt. No. 24 at 2–3. Judge Christel then issued a Report and Recommendation ("R&R") recommending dismissal of Mr. Brown's

1 petition because he failed to name a proper defendant and failed to keep the Court advised of his
2 current address. Dkt. No. 18 at 1.

3 On June 12, 2023, the Court issued an order declining to adopt the R&R because it was
4 unclear whether Mr. Brown received Judge Christel's order directing him to file an amended
5 petition, and Mr. Brown had subsequently—albeit belatedly—updated his address. Dkt. No. 24 at
6 4. The Court explained that it was giving Mr. Brown “one last chance to file a proper habeas
7 petition” and instructed him to “file a complete habeas petition, naming a proper respondent[.]”
8 *Id.* If he failed to do so, the Court indicated that it would dismiss this action without prejudice. *Id.*

9 Mr. Brown filed an amended habeas petition, but that filing still does not name as a
10 respondent the state officer who has custody over him. Dkt. No. 27 at 1–2 (naming as respondent
11 the King County Superior Court). Mr. Brown has also filed documents he titles as “motions” with
12 various other non-custodial defendants listed in the caption, including the State of Washington,
13 the King County Prosecutor's Office, and two individuals he identifies as prosecutors. Dkt. No. 26
14 at 1; *see also id.* at 8. Absent a proper respondent, this habeas action cannot proceed. The Court
15 therefore dismisses this matter without prejudice.

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17 Dated this 28th day of July, 2023.

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19 Lauren King
20 United States District Judge
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